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S E C R E T SECTION 01 OF 02 OTTAWA 000374

SIPDIS

E.O. 12958: DECL: 10 YEARS AFTER FINAL DETAINEE TRANSFERRED FROM GITMO

TAGS: PREL PTER PHUM CA

SUBJECT: CANADA NON-COMMITTAL ON GUANTANAMO DETAINEES

REF: A. BRUSSELS 629

1B. PRAGUE 239

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Classified By: PolMinCouns Scott Bellard, reasons 1.4 (b) and (d)

11. (S) Summary: During a May 11 meeting with Canadian officials, Special Envoy for Guantanamo Dan Fried discussed the possible resettlement in Canada of the three Uighur detainees now at the U.S. detention facility at Guantanamo Naval Base in Cuba who have pending refugee applications in Canada. Fried described the Presidential executive orders regarding terrorism detainees, especially the order to close the Guantanamo facility, as well as U.S. efforts with European partners to assist in the closing through resettlements. Canadian officials declined to commit to take the Uighurs as refugees, but were receptive to Fried's ideas on a synchronized and coordinated multilateral resettlement strategy for detainees. In response to inquiries about the current status of Canadian detainee Omar Khadr, Fried noted that this case was still under review. End summary

12. (S) Special Envoy for Guantanamo and then-Assistant Secretary of State for European Affairs Dan Fried met with Canadian officials on May 11 to discuss U.S. plans to close the U.S. detention facility at the Guantanamo Naval Base in Cuba, as well as the status of three Uighur detainees at the facility who have pending refugee applications in Canada. The Canadian officials included: Privy Council Office (PCO) Assistant Secretary to the Cabinet for Defence and Foreign Policy Gordon Venner; PCO Assistant Secretary to the Cabinet for Security and Intelligence Rennie Marcoux; PCO Director of Operations for Defence and Foreign Policy Matthew Levin; PCO Director of Operations for Defence and International Security Brigadier General Christian Rousseau; and, Department of Foreign Affairs and International Trade Acting Legal Advisor John Hannaford.

13. (S) Fried confirmed that President Obama was committed to fulfilling his promise to close Guantanamo facility and to review terrorism-related detention policies, the legal aspects of military commissions, and interrogation policies. Fried noted that many in the international community, especially in Europe, had long called for the U.S. to address these issues. He said that the Obama administration was "determined" to follow through in all these areas, but underscored that we will need help from our close allies. Fried cautioned that the U.S. was still reviewing the status of most of the 241 remaining detainees at Guantanamo. He stressed that a significant number, including these three Uighurs, do not pose a high risk for resettlement. He

dismissed the idea that all of the current detainees are the "worst of the worst" or "hardened terrorists," although he admitted that many clearly do fall into that category. Fried noted that the larger group of 17 Uighurs at Guantanamo is at the top of the list for resettlement as a result of U.S. judicial decisions ordering their release and the judgment that they are of lower rank.

¶4. (S) Fried shared with Canadian officials information packets (classified synopses of each detainee's case that he described as substantially the same as what USG principals used to approve the Uighurs for transfer) on the three Uighur Qused to approve the Uighurs for transfer) on the three Uighur detainees who have applied for asylum in Canada. Fried noted that the files showed -- as the Canadians would see for themselves -- that these Uighurs are relatively low risk. He added that their resettlement was hindered by Chinese pressure, not by any potential security threat. Fried pledged that the USG would facilitate interviews by Canadian officials on site at the detention facility to assist in processing the refugee/asylum applications. He added that the U.S. would be pleased to answer further questions and provide additional information on these three Uighurs or other detainees that Canada was considering accepting, working through bilateral intelligence channels.

¶5. (S) In discussing his talks with European officials, Fried stressed the importance of a coordinated resettlement strategy for detainees. He added that several European governments do not wish to act unilaterally, but appear more willing to act as a group. For this reason, Fried expressed the hope that Canada would decide before the end of June whether to take the three Uighurs, so that Canada could stand with the European countries and other allies that decide to take detainees. He observed that early, coordinated action on the less controversial detainees would build momentum and

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increase public acceptance for further tougher decisions later. Fried also acknowledged that he had heard clearly from allies that the U.S. must resettle detainees in the U.S. if it wishes others to accept them as well.

¶6. (S) Canadian officials were non-committal, but appeared receptive. They noted that asylum cases normally run a one year course for consideration, so their political decision would have to accord with what that process can legally expedite. Fried responded that the Uighur defense counsel(s) might be happy to work out an arrangement outside of asylum, if the Canadian political will existed to receive the detainees. In response to Acting Legal Adviser Hannaford's questions, Fried walked the Canadians through the detention policy review. Fried underlined that the decisions made by the President following that review's conclusion would certainly play into U.S. diplomatic efforts to secure international cooperation in closing Guantanamo.

¶7. (S) On Canadian detainee Omar Khadr, Acting Legal Adviser Hannaford noted that the "public record was clear" on where the Canadian government stood in regard to seeking Khadr's repatriation (i.e., strongly opposed, at least pending resolution of an ongoing U.S. legal process). He referred to the recent judicial appeal by the government in the wake of the Canadian federal court's judgment ordering the Canadian government to seek Khadr's repatriation. Fried noted that Khadr's case remained under review by the Guantanamo Task Force and that the administration was currently deciding whether to seek a continuance in this Military Commission prosecution or to pursue some other action.

¶8. (S) The Canadian officials expressed thanks to Fried for not seeking press interviews in Ottawa. The meeting closed with an agreement that U.S. officials would respond to any press queries by simply noting that Fried had discussed the President's executive orders, reiterating that it is a well known fact the USG was consulting with its allies and

partners as it moves toward closing Guantanamo. Regarding Khadr, Fried promised to respond to any questions from journalists by saying only that he was unable to comment, given the on-going review of Khadr's status by the Guantanamo Task Force.

¶9. (U) Special Envoy Fried has cleared this message.

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